

### REMARKS

Claims 1, 3-8, and 11-20 are pending at the time of the Office Action. Claims 1, 3, 8, and 11 are independent claims. Claims 2, 9, and 10 were previously cancelled without prejudice. Claims 1, 3, 8, 11, 12, 14, 16-18 and 19 have been amended in this response. No new matter has been introduced. Reconsideration and allowance of the above-referenced application are respectfully requested.

#### Claim Objections

Claims 14 and 19 are objected to. Specifically, an objection was made to claim 14 for the absence of a period at the end of the claim. A period has been added to the appropriate location. Also, an objection was made to claim 19 for the presence of a repetitive phrase, namely "attached to at least one of an outside surface of the structure member, the inside surface of the structure member and a part of the surface of the rib, such that at least a portion of the hermetically sealed hollow portion," which is identical to the phrase recited in claim 1, from which claim 19 depends. This phrase has been deleted. Accordingly, applicants respectfully request that the objections to claims 14 and 19 be withdrawn.

#### 35 U.S.C. § 112

Claims 1, 4-7, 12-13, and 16-19 have been rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite. For the reasons that follow, amendments to the claims obviate the rejections.

Specifically, with respect to claim 1, the Office asserts that the recitation "not entirely occupied" is a negative limitation. *Office Action*, page 2, 4<sup>th</sup> paragraph. This recitation is removed from amended claim 1. Amended claim 1 recites a hollow portion that occupies a volume of space, and a noise absorption layer that occupies less than the volume of space defined by the hollow portion. Thus, amended claim 1 no longer recites a negative limitation.

With respect to claim 12, the Office asserts that the recitation "a part of the surface or an entire surface of the rib" renders the claim indefinite. *Office Action*, page 2, 5<sup>th</sup> paragraph. In this response, claim 12 has been amended to recite "a part of the surface."

With respect to claim 16, the Office asserts that in the feature, "the hole for attaching to a mold using which the noise absorption layer is integrally attached to the outside surface of the structure member," the recitation "using which" is unclear. *Office Action*, page 2, 6<sup>th</sup> paragraph. Amended claim 16 recites "the hole for attaching the noise absorption layer integrally to the outside surface of the structure member." Thus, the unclear recitation has been removed from amended claim 16.

Accordingly, applicants respectfully request that the rejections of claims 1, 4-7, 12-13, and 16-19, under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, be withdrawn.

### 35 U.S.C. § 102

Claims 1, 3, 8, 19 and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hatayama (US 5,690,035). Amendments to claims 1, 3, and 8 obviate these rejections for the reasons that follow.

Hatayama discloses a truss type extruded aluminium section formed of a pair of planar plates and ribs with hollow portions formed within the section by the ribs and the planar plates. *Hatayama*, Abstract. Hatayama's truss type section is made of aluminum. *Id.* In contrast, amended claim 1 recites a structure member that is made of a synthetic resin material. Aluminum is not a synthetic resin material. Consequently, Hatayama does not teach all the features of claim 1. Accordingly, claims 1, 3, 8, and 11, and all claims dependent from each of these independent claims are patentable. Applicants respectfully request that the rejections of claims 1, 3, 8, 19, and 20 under 35 U.S.C. § 102(b) be withdrawn.

35 U.S.C. § 103

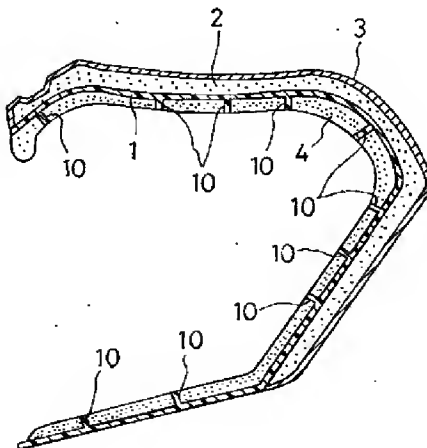
Claims 1, 3-8, and 11-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tokunaga (JP 63-188544) in view of Furukawa (JP 2001-260146) and Hatayama. For reasons that follow, amendments to claims 1, 3, 8, and 11 obviate the rejections of these claims.

Specifically, amended claim 1 recites a rib of a structure member and an exterior material with which the rib forms a hermetically sealed hollow portion defining a volume of space. Amended claim 1 further recites a noise absorption layer disposed on at least a part of the inside surface of the structure member and the surface of the rib such that the noise absorption layer occupies a volume less than the volume of space occupied by the hollow portion. Neither Tokunaga, Furukawa nor Hatayama, taken alone or in any combination describe or suggest these features of amended claim 1.

In this regard, Tokunaga teaches a sound insulation panel and a spacer rib formed to the back of the sound insulation panel to provide a given gap between a car body panel and an insulator. *Tokunaga*, Purpose. Further, Tokunaga discloses that when the spacer rib 12 is brought into contact with the surface on the indoor side of the dash panel 13, a clearance for an air layer, equivalent to the dimensional height of the spacer rib 12 is formed between the dash panel 13 and the sound insulation panel 11. *Id.*, Constitution. In Tokunaga, figure 4 illustrates element 14 that occupies the entire volume of space formed between the dash panel 13 and the sound insulation panel 11. The Office asserts that Tokunaga's element 14 is the claimed noise insulation layer. *Office Action*, page 3, 4<sup>th</sup> paragraph. Applicant disagrees.

Tokunaga's element 14 is not the claimed noise absorption material because, while Tokunaga's figure 4 illustrates that element 14 occupies the entire volume of space formed between the dash panel and the sound insulation panel, amended claim 1 recites a noise absorption layer that occupies less than the volume of space defined by the hermetically sealed hollow portion formed when the claimed rib intimately contacts an inside surface of the claimed exterior material. Further, the Office concedes that Tokunaga does not teach that element 14 is disposed on the outside surface of the structure member. *Office Action*, page 3, last paragraph. Thus, Tokunaga does not describe all the features of claim 1.

Furukawa does not rectify the deficiencies of Tokunaga. In this regard, Furukawa describes a manufacturing method of the vehicles interior equipment which has an acoustic material layer in the rear-face side. *Furukawa* [0001]. However, Furukawa does not describe or suggest a hermetically sealed hollow portion within which the noise absorption layer is disposed such that the noise absorption layer occupies less than the volume of space occupied by the hollow portion. Specifically, Furukawa's ribs do not form a hermetically sealed hollow portion, as claimed. As shown in Furukawa's figure 1 illustrated below, the spacer ribs 10 do not intimately contact any feature, and consequently cannot form a sealed portion.



Furukawa discloses polyurethane formed in the surface side of a core material 1. The volume occupied by the core material 1 is not the claimed hollow portion for at least two reasons. Firstly, the claimed hollow portion is formed when the claimed rib

intimately contacts an inside surface of the claimed exterior member. The volume occupied by Furukawa's core material 1 does not include Furukawa's rib 10. Instead, Furukawa's rib 10 is on the outside surface of Furukawa's core material 1. Second, as Furukawa's figure 1 illustrates, the polyurethane foam material occupies the entire region within the core material 1. Even assuming that the volume within Furukawa's core material 1 is the hollowed portion, Furukawa does not describe a noise absorption layer occupying a volume less than the volume of space occupied by the hollow portion. For these reasons, Furukawa does not describe or suggest all the features of claim 1.

The Office cites Hatayama in support of the position that it would have been obvious to combine Hatayama's structure member including ribs 4 wherein a noise absorbing material 10 is disposed on the rib with the teachings of Tokunaga and Furukawa. *Office Action*, page 4, 1<sup>st</sup> paragraph. Applicants respectfully request that the Office reconsider its position for the following reasons. As described previously, Hatayama's truss type section is made of aluminum. Tokunaga's sound insulation panel is made using a flexible material, e.g., a PVC resin agent, s rubber agent. *Tokunaga*, Constitution. Furukawa's core material 1 is made of a glass fiber strengthening AS resin. *Furukawa*, [0027]. One of skill in the art would have readily recognized that the acoustic properties of aluminum are vastly different from that of a resin material used by both Tokunaga and Furukawa, and would have been motivated away from combining Hatayama with either Furukawa or Tokunaga or both.

Accordingly, claim 1 and all claims dependent therefrom are patentable. Claims 3, all claims dependent from claim 3, and claims 8 and 11 are also patentable at least for similar reasons and for the additional recitations that they contain.

### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the remarks made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally,

Applicant : Kan'ichi SATO  
Serial No.: 10/578,629  
Filed : May 9, 2006  
Page : 12 of 12

Attorney's Docket No.: 23697-0003US1 / NF-2995

nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please apply a 2-month Petition for Extension of Time fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 13, 2009

/ Sushil Shrinivasan L0368 /  
Sushil Shrinivasan (Reg. No. L0368)  
For W. Karl Renner  
Reg. No. 41265

PTO Customer No. 26171  
Fish & Richardson P.C.

Telephone: (202) 783-5070  
Facsimile: (877) 769-7945